



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

☐ Specific Waiver

SUBJECT Request by Lennox School District to waive <i>Education Code</i> (EC) section 46201(d), for the longer day incentive program penalty for the 2002-2003 fiscal year at Lennox Middle School. Waiver Number: 48-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

Approval with conditions that the district maintain increased instructional time at Lennox Middle School in grades 7 through 8 from the required 57,745 minutes per year to 58,427 minutes per year (57,745 plus the 682 minutes short) for a period of two years beginning in 2004-2005 and continuing through 2005-2006, and report the increase in its yearly audits.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. EC section 46206 authorizes waivers to be granted for fiscal penalties as a result of a shortfall in instructional time. This section of the Education Code is very prescriptive and states that a waiver may only be granted upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost in addition to the amount for twice the number of years that it failed to maintain the required minimum length of time for the instructional school year, minimum number of instructional days for the school year following the year, or both. The instructional time has to be made up beginning not later than the school year following the year in which the waiver was granted and continue for each succeeding school year until the condition is satisfied.

SUMMARY OF KEY ISSUES

The Lennox School District requests a waiver of EC section 46201(d), the longer day instructional time penalty, which states that minutes of instructional time must be offered at the appropriate level. During the 2002-03 annual audit, the auditor found that the district did not offer enough instructional minutes in the 7th and 8th grades because they had too many minimum days for the year. The district was found to be short 797 for the school year. The district made up 115 minutes by the end of the year so that the final audit reports reflected a shortage of 682 for the year (see attachment B-1).

The district has begun to make up the minutes and has submitted their bell schedule for fiscal year 2003-2004. In fact, the schedule shows that the district has an excess of 23 minutes for the year. The penalty for this error is \$71,780.36.

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Therefore, the CDE recommends approval of this waiver request on the condition that the district maintain increased instructional time at Lennox Middle School in grades 7 through 8 from the required 57,745 minutes per year to 58,427 minutes per year (57,745 plus the 682 minutes short) for a period of two years beginning in 2004-2005 and continuing through 2005-2006, and report the increase in its yearly audits.

Authority for the Waiver: EC section 46206(a)

Bargaining unit(s) consulted on date(s): March 4, 2004 and March 5, 2004

Position of bargaining unit(s) (choose only one):

☐

Neutral

☒

Support

☐

Oppose

Name of bargaining unit(s)/representative(s): Mr. Doug Luden, Ms. Suzie Goussen

Local board approval date(s): March 9, 2004

Period of request: July 1, 2002 to June 30, 2003

FISCAL ANALYSIS (AS APPROPRIATE)

The repayment amount as required by law is: 1,343.21 (Affected Daily Attendance) times \$4,524.72 (Base Revenue Limit) equals \$6,077,649.15 (Apportionment). 682 (Number of minutes short) divided by 57,745 (Required Number of Minutes) equals 0.01181 (Percentage). \$6,077,649.15 (Apportionment) times 1.181% (Percentage) equals \$71,780.36 (Penalty). The district is requesting that the full penalty be waived.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.